



Members:

Rep. Charlie Brown, Chair
Rep. Jeffrey Linder
Sen. James Lewis
Sen. Patricia Miller

LSA Staff:

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Authority: IC 2-5-21-6

LEGISLATIVE EVALUATION AND OVERSIGHT POLICY SUBCOMMITTEE

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MEETING MINUTES

Meeting Date: August 26, 1998
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington St., Room 156-A
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Rep. Charlie Brown, Chair; Sen. James Lewis; Rep. Jeffrey Linder.

Members Absent: Sen. Patricia Miller.

Rep. Brown called the meeting to order. The minutes from the first two meetings of the Subcommittee were reviewed and approved. Rep. Brown announced that the purpose of the meeting was to hear presentations concerning four topics being considered for evaluation during 1999. He also announced that the Subcommittee would hold one more meeting which would be scheduled after the Legislative Council meeting to be held on September 21, 1998.

Presentations concerning topics being considered for evaluation during 1999.

A) Health Professions Bureau investigation procedure.

Rep. Brown called on Rep. Gloria Goeglein. Rep. Goeglein expressed her concern that the Health Professions Bureau is not always made aware of complaints concerning licenses. She also discussed the issues of patient protection, professionalization of the Bureau, and the fact that the Attorney General's office tends to look for criminal behavior. She reported that a representative of the Attorney General stated earlier in the year that there were 381 complaints pending against physicians. In response to a question from Rep. Linder, Rep. Goeglein indicated that she did not know if there was enough fee revenue currently being collected to expand the functions of the Bureau.

Beth Compton, Section Chief, Medical Licensing, Office of Attorney General

Ms. Compton distributed two handouts¹ which described the medical licensing complaint procedure and an outline of the case flow and investigative activity of the Office of the Attorney General.

In response to a question from Rep. Brown, Ms. Compton stated that an emergency situation is one which involves a clear and immediate danger to the public. She indicated that in an emergency situation, the time from

¹Copies of these handouts are on file in the Legislative Information Center, Room 230 of the State House, Indianapolis, Indiana. The telephone number of the Legislative Information Center is (317) 232-9856, and the mailing address is 200 W. Washington St., Suite 301, Indianapolis, Indiana 46204-2789.

the filing of a complaint to the filing of formal charges could be as fast as one week, although it would normally require a time period for processing of about thirty days.

In response to another question from Rep. Brown, Ms. Compton said that by statute a complaint is investigated by the Office of the Attorney General, even if the complaint is filed with a licensing board first. In addition, she said that the Office of the Attorney General serves in the role of prosecutor and the appropriate licensing board serves in the role of a court.

Rep. Brown, Rep. Linder, and Ms. Compton engaged in a discussion concerning non-emergency investigations. Ms. Compton indicated that non-emergency investigations could take between eight and twelve weeks. They also discussed the working relationship between the Office of the Attorney General and the Health Professions Bureau. Ms. Compton stated that there is a good relationship and that there is enough staff and funding to accomplish the day to day tasks.

Rep. Brown requested that J. D. Lux of the Office of the Attorney General look into the situation involving Medicaid fraud and the possibility of notifying public officials earlier in the process to allow them to answer questions from the public.

Ms. Compton concluded her testimony by relating that two registered nurses have been hired for internal medical review. She also indicated that multiple complaints about one license holder can serve as a red flag. She also stated that board meetings have been longer in the last year than in the past.

Kim Tarnacki, Deputy Director, Health Professions Bureau

Ms. Tarnacki supplied a copy of a letter from Laura Langford² which contained information about cause numbers assigned since 1996. She also answered questions from the committee by saying that a licensee is considered on probation when there is a restriction placed on the license. In addition, complaints can arise from calls from the public or be received from the media.

In discussing the relationship between the Health Professions Bureau and the Office of the Attorney General, Ms. Tarnacki said she is encouraged by the communication in that they talk about calendar issues and meet to discuss improvements. She also indicated that although the board had expressed concern about short meetings during 1997, that is no longer the case and most meetings have been lengthy.

Rep. Brown asked Rep. Goeglein to make closing remarks. She indicated that she is concerned about duplication in the process and criminal and ethical problems.

B) Education Issues: ISTEP+ graduation examination and the impact on learning disabled students, and alternative education.

Bob Marra, Director of Special Education Programs, Department of Education

Mr. Marra told the Subcommittee that this issue has been discussed before the Interim Study Committee on Education Issues. He also provided a copy of federal Public Law 105-17-June 4, 1997³ and referred to page 67 for language concerning children with disabilities participating in assessments. He indicated that if Indiana did not follow this law, there could be a loss of \$110 million in federal funding.

Mr. Marra distributed four additional handouts to members of the Subcommittee⁴. He described the importance of curriculum, instruction, and assessment. He also described a waiver procedure which will be available. He said that since the assessment examination first applies to the class of 2000, it is not known what the result will be.

²A copy of the letter is on file in the Legislative Information Center. (See footnote 1).

³A copy of this Public Law is on file in the Legislative Information Center (See Footnote 1).

⁴Copies of these handouts are on file in the Legislative Information Center (See Footnote 1).

Bert Muenks, Parents Against Gateway Exams

Ms. Muenks, a concerned parent from southern Indiana, indicated that there are 165,358 students with some disability, many of whom do not have the ability to excel academically. She is concerned that the examination will result in an increased school drop-out rate. She indicated her support for a proposal suggested by Rep. Stilwell which would reward those students that pass the examination by attaching a seal to their diploma, but would not deny graduation to those students who have successfully completed the required credits, but do not pass the examination.

Jerry Belcher, Parents Against Gateway Exams

Mr. Belcher described the experience of his seventeen-year-old son who will not be able to pass the examination. He expressed his concern that, although his son has been able to be successful completing the curriculum provided for him, he will not be able to graduate if he cannot pass the examination.

C) Department of Natural Resources reclassification plan.

D. Sue Roberson, Director, State Personnel Department

Ms. Robertson distributed a memorandum⁵ which describes the work completed on the reclassification plan for the Department of Natural Resources (DNR). The information provides the percentage increases in pay for those positions which have been reclassified. In response to a question from Sen. Lewis, Ms. Roberson said that only the professional positions have been studied so far and that the non-professional positions are in the process of being reclassified. She said that 711 positions have been reclassified so far and that the annual additional cost is \$3.4 million.

In response to a question from Rep. Linder, Ms. Roberson indicated that she has sent a letter to Rep. Steele. She also explained to the Subcommittee that clerical positions are currently being evaluated and that when those are completed the labor and trade positions will be examined. She said there are approximately 1,500 positions in the DNR. She also explained how raises not related to the reclassification plan were calculated for payment from the salary contingency fund.

D) "Michigan Trains" and overweight trucks in general.

Phil Schermerhorn, Deputy Commissioner, Indiana Department of Transportation

Mr. Schermerhorn provided the Subcommittee with three handouts⁶ which list the description of heavy duty highway routes, the amount of money spent for maintenance of those routes since January of 1993, and a summary of permits and permit revenue from January, 1993, to June, 1998. He told the Subcommittee that Michigan Trains (heavy trucks used to haul steel coils into Michigan) are limited to 134,000 pounds in Indiana. A problem exists in that the weight limit for the same trucks is 161,000 pounds in Michigan. This results in truckers pulling two trailers having to make two trips to Michigan.

In response to a question from Rep. Brown, Mr. Schermerhorn said that about \$20 million was spent on the specific routes during the period of January, 1993, to June, 1998, and that about \$13 million was received in Michigan Trains fee revenue during the same time period.

Lt. Col. Lowell D. Petree, Indiana State Police

Col. Petree told the Subcommittee that the State Police have found violations as high as 400,000 pounds. Problems for the State Police include a shortage of personnel and the inability to keep permanent scales open.

⁵A copy of this memorandum is on file in the Legislative Information Center (See Footnote 1).

⁶Copies of these handouts are on file in the Legislative Information Center (See Footnote 1).

He indicated that they use roving scales and these are effective when there is sufficient staff. In response to a question, he said that it would require at least \$2 million to build a permanent scale and that he felt it would be more effective to use more personnel and portable scales. He also told the Subcommittee that during the time when staff must concentrate on school bus inspections (June and July), truck permit purchases go down. After July, truck permit purchases go back up because truckers know that motor carrier inspectors will be concentrating on trucks.

Col. Petree distributed to members of the Subcommittee a packet of information about the Motor Carrier Division.⁷

Kenny Cragen, Indiana Motor Truck Association

Mr. Cragen listed a number of concerns: 1) the weight difference between Michigan and Indiana; 2) the difficulty in obtaining permits; 3) the fact that trucks weighing 300,000 to 400,000 pounds are clearly breaking the law. Mr. Cragen indicated that the method for obtaining permits has been greatly improved and that is now a small part of the problem.

Mr. Cragen told the Subcommittee that he felt that more enforcement is needed and the funding could come from increased fees or taxes.

Col. Petree explained that an original plan to have 100 individuals for enforcement is only using 61 today. He said he thought \$2 million would have been available.

Jim Poe, Motor Carrier Services Division, Indiana Department of Revenue

Mr. Poe told the Subcommittee that because of better compliance, revenue has increased from permit sales. He said that about \$2 million was reverted last year.

Mr. Poe distributed three handouts which describe the work of the Motor Carrier Services Division.⁸

Subcommittee discussion concerning recommendation for 1999 evaluation

After discussion, the Subcommittee adopted a motion to recommend to the Legislative Council that the ISTEP+ graduation examination and the impact on learning disabled students be evaluated in 1999.

In addition, the Subcommittee adopted a motion to recommend to the Legislative Council that any money received from the sale of oversize/overweight permits which would otherwise be reverted at the end of a fiscal year, be retained for use by the Indiana Department of Transportation for the purpose of highway maintenance of Heavy Duty Highway Routes or the State Police for enforcement.

Rep. Brown indicated that the Subcommittee would meet one more time to consider the restructuring of interim committees and the automatic termination of interim or statutory committees that fail to meet at least twice per interim.

The meeting was adjourned at 3:30 p.m.

⁷A copy of this packet is on file in the Legislative Information Center. (See Footnote 1).

⁸Copies of these handouts are on file in the Legislative Information Center. (See Footnote 1).